

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE PHILIPS RECALLED CPAP,
BILEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS
LITIGATION**

**Master Docket No. 21-mc-1230
MDL No. 3014**

THIS DOCUMENT RELATES TO:

**All Actions Asserting Claims for Personal
Injury Brought by SoClean Users**

**KONINKLIJKE PHILIPS N.V., PHILIPS
NORTH AMERICA LLC, PHILIPS
HOLDING USA, INC., PHILIPS RS
NORTH AMERICA LLC, and PHILIPS
RS NORTH AMERICA HOLDING
CORPORATION,**

Defendants / Third-Party Plaintiffs,

-v-

**SOCLEAN, INC., and DW
MANAGEMENT SERVICES, LLC**

Third-Party Defendants.

**THIRD-PARTY DEFENDANT SOCLEAN, INC'S
MOTION TO DISMISS PHILIPS DEFENDANTS' CORRECTED THIRD-PARTY
COMPLAINT UNDER RULE 12(B)(2) OR, ALTERNATIVELY,
MOTION TO STRIKE PHILIPS DEFENDANTS' CORRECTED THIRD-PARTY
COMPLAINT UNDER RULE 14(A)(4)**

Pursuant to to Rule 12(b)(2) of the Federal Rules of Civil Procedure, Third-Party Defendant SoClean, Inc. (“SoClean”) moves to dismiss the Corrected Third-Party Complaint (“Third-Party Complaint”) filed by Third-Party Plaintiffs Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA, Inc., Philips RS North America LLC, and Philips RS North America Holding Corporation (collectively, the “Philips Defendants”), for lack of personal jurisdiction of SoClean.

Alternatively, SoClean moves pursuant to Rule 14(a)(4) of the Federal Rules of Civil Procedure to strike the Third-Party Complaint on the grounds that the Third-Party Complaint unduly complicates this litigation and lacks merit, and because the Philips Defendants will not be unduly prejudiced by striking the Third-Party Complaint.

Dated: October 3, 2024

Respectfully Submitted,

/s/ Ashley N. Rodgers

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CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of October, 2024, the foregoing document was electronically filed with the Clerk of the United States District Court for the Western District of Pennsylvania, using the CM/ECF system, which will send notification of such filing to all counsel of records. This document was filed electronically and is available for viewing and downloading from the ECF system.

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